

(b) Should the District Commander determine that these markings are inconsistent with Part 62 of this subchapter, they must be replaced as soon as practicable with approved markings.

§ 64.16 Duration of marking on sunken vessels in navigable waters.

Markings shall be maintained until:

- (a) The sunken vessel or other obstruction is removed; or
- (b) The right of the owner to abandon is legally established and exercised.

NOTE: Notices of abandonment of sunken vessels or other obstructions will not be accepted by the Coast Guard. Any notice of intention to abandon should be addressed to the District Engineer, Corps of Engineers, U.S. Army, within whose district the sunken vessel or other obstruction is located.

Subpart C—Structures

SOURCE: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 64.21 Marking and notification requirements.

Before establishing a structure, the owner or operator shall apply for Coast Guard authorization to mark the structure in accordance with § 66.01-5 of this chapter. The appropriate District Commander will determine the marking requirements.

§ 64.23 Duration of marking on structures.

Markings determined to be required shall be established and maintained until:

- (a) The structure is removed; or
- (b) Otherwise directed by the District Commander.

Subpart D—Miscellaneous Provisions

SOURCE: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 64.31 Determination of hazard to navigation.

In determining whether an obstruction is a hazard to navigation for the purposes of marking, the District Com-

mander considers, but is not limited to, the following factors:

- (a) Location of the obstruction in relation to the navigable channel and other navigational traffic patterns;
- (b) Navigational difficulty in the vicinity of the obstruction;
- (c) Depth of water over the obstruction, fluctuation of the water level, and other hydrologic characteristics in the area;
- (d) Draft, type, and density of vessel traffic or other marine activity in the vicinity of the obstruction;
- (e) Physical characteristics of the obstruction;
- (f) Possible movement of the obstruction;
- (g) Location of the obstruction in relation to other obstructions or aids to navigation;
- (h) Prevailing and historical weather conditions;
- (i) Length of time that the obstruction has been in existence;
- (j) History of vessel incidents involving the obstruction; and
- (k) Whether the obstruction is defined as a hazard to navigation under other statutes or regulations.

[CGD 91-031, 57 FR 43403, Sept. 21, 1992]

§ 64.33 Marking by the Coast Guard.

(a) The District Commander may mark for the protection of maritime navigation any structure, sunken vessel or other obstruction that is not suitably marked by the owner. Markings established by the Coast Guard do not relieve the owner's duty or responsibility to mark the sunken vessel or other obstruction, or to remove it as required by law.

(b) Costs for markings established by the Coast Guard will be determined in accordance with part 74 of this Chapter.

(c) Costs for marking of a sunken vessel or other obstruction shall be charged to the owner and shall continue until:

- (1) The vessel or other obstruction is removed;
- (2) The right of the owner to abandon is legally established and has been exercised; or
- (3) The District Commander directs otherwise.